



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,583	08/07/2000	Shinako Matsuyama	450101-02142	1141
20999	7590	04/04/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			TRAN, TONGOC	
			ART UNIT	PAPER NUMBER
			2134	
DATE MAILED: 04/04/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/581,583

Applicant(s)

MATSUYAMA ET AL.

Examiner

Tongoc Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is in response to Applicant's amendment filed on January 26, 2006. Claims 1-9 and 13-71 were previously canceled. Claims 10-12 are pending for examination.

#### ***Response to Arguments***

2. Applicant's arguments filed on January 26, 2006 have been fully considered but they are not persuasive.

Applicant contends that the combination of the cited prior art fail to teach "encrypted first key encrypted by a second key...means for decrypting the encrypted first key with the second key, and for encrypting the first key with [a] temporary key" (remark, page 3). Examiner respectfully disagrees.

Down clearly teaches:

"[T]he content data is encrypted with a first encrypting key before being transferred to the content host. The first encrypting is encrypted with a second encrypting

Key is encrypting first encrypting key is transferred along with the metadata and usage condition data to the electronic store. Additionally, the encrypted first encrypting key is transferred along with the promotional data to the customer's system." (Abstract).

The first encrypting is encrypted with a second encryption key meet the claimed limitation of “storage means for storing an encrypted first key encrypted by a second key”. Therefore, it is inherently required a decryption key for required for any encrypted content whether the content is data content or an encryption key.

Even though Down does not disclose the first key is encrypted with a temporary key. However, the cited prior art, Okui teaches:

“a temporary key is updated periodically to maintain confidentiality of the broadcasting information”. Okui teaches that key needs to be updated and with updating key. Down is concerned with the security of the encryption key used for encrypting the data content and Okui teaches the concept that a key needs to be updated periodically and when the key is updated, a replacement key is needed to decrypt the updated key (see Okui, col. 1, lines 50-67).

If any encryption key is updated or replaced, whether it is the first key that encrypt the content or the second key that acts as a key encryption key to encrypt the encryption key, a decryption key to decrypt the encrypted data or key after the key has been updated or replaced would have to be provided in order for encrypted content to be retrieved.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downs et al. (U.S. Patent No. 6,574,609) in view of Kuroda et al. (U.S. Patent No. 6,421,779) and further in view of Okui (U.S. Patent No. 6,594,758).

In respect to claim 10, Downs discloses an information processing device comprising:

the first storage means for storing an encrypted first key encrypted by a second key, the first storage means comprising:

first authentication means for authenticating the requesting device (e.g. Downs, col. 11, lines 5-25) ;

first encrypting/decrypting means for encrypting the first key and transmitting means for transmitting the encrypted first key (e.g. Downs, col. 3, lines 48-67 and col. 11, lines 6-24 and col. 76, lines 10-23);

decoding means comprising:

receiving means for receiving the encrypted first key from the first storage means; and second encrypting/decrypting means for decrypting the encrypted first key wherein the decoding means decodes the information with the first key obtained by the second encrypting/decrypting means (e.g. Downs, col. 3, lines 48-67, col. 76, lines 10-23 and col. 11, lines 6-24).

Downs does not explicitly disclose but Kuroda discloses the second authentication means for authenticating the first storage means (see Kuroda, col. 11, line 35-line 55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Downs information processing device with the teaching of Kuroda's second device authenticating the first device to ensure the integrity of the received data (Kuroda, Abstract). Furthermore, Downs does not explicitly disclose but Okui discloses periodically modifies key and provide a replacement key when key is modified ( Okui, col. 1, lines 50-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Okui's

Art Unit: 2134

replacement key with Downs teaching of encrypting first key with the second key in order to provide replacement key to accommodates situation when keys are modified (Okui, col. 1, lines 55-57).

In respect to claims 11-12, the claimed limitations are method and computer-readable program claims that are substantially similar to claim 10. Therefore, claims 11-12 are rejected based on the similar rationale.

### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

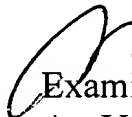
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2134

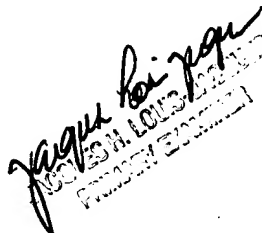
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571) 272-3962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Examiner: Tongoc Tran  
Art Unit: 2134

March 29, 2006

  
JACQUES LOUIS-JACQUES  
SUPERVISOR